

## EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOSEPH MANTHA on behalf of himself

and others similarly situated,

Plaintiff,

vs.

CASE NO. 1:19-cv-12235-LTS

QUOTEWIZARD.COM, LLC,

Defendant.

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\*Contains Confidential Testimony\*

VIDEOTAPED DEPOSITION OF

TRICIA WINKLER

CONDUCTED VIRTUALLY

Friday, September 8, 2023

5:08 p.m. EDT

Laurie K. Langer, RPR

<p style="text-align: right;">Page 14</p> <p>1 would QuoteWizard get paid for transferring, for them  2 live transferring that person to an insurance company or  3 agent?  4 A. Yeah, it did vary greatly, but by carrier.  5 Q. Can you give me a ballpark on, on what the  6 average is?  7 A. Anywhere between \$5 and \$80.  8 Q. What were some of the drivers of whether the,  9 whether it would be more or less?  10 MR. POLANSKY: And at this point I'm just  11 going to mark this part of the transcript confidential.  12 Because this is very, very proprietary information.  13 MR. BRODERICK: Sure.  14 (Transcript designated confidential.)  15 MR. POLANSKY: You can answer.  16 A. So what was the question again?  17 Q. What were some of the drivers of what would make  18 it more valuable or less valuable to, to QuoteWizard?  19 A. Yeah. So geography of the consumer, so their ZIP  20 code can vary. So the carriers are deciding what kinds  21 of consumers, what types of consumers, where, where  22 specifically they can write policies. Where they want  23 to write policies. So they provide to us a ZIP code for  24 targeting.</p>	<p style="text-align: right;">Page 16</p> <p>1 and get after the fact when, --  2 MR. POLANSKY: Objection.  3 Q. -- if a complaint was made?  4 MR. POLANSKY: Objection.  5 A. Answer?  6 MR. POLANSKY: Oh, you can answer it.  7 A. So -- so if a lead was acquired from a partner  8 and we did not have -- so generally what we would have  9 at our disposal are full contact information, IP  10 address, Jornaya ID. Trusted -- TrustedForm tokens.  11 Thank you.  12 So we -- we rely on that consent, but if we also  13 needed to see specific consent language that was agreed  14 to, things of that nature, then we might go out to that  15 partner and ask them to provide that.  16 Q. Okay. And QuoteWizard is, is entirely reliant on  17 the, in the case of third-party leads, on those  18 third-party leads to obtain the consent of the person  19 who was going to be texted; correct?  20 A. Yes.  21 Q. And those third-party lead vendors sometimes use  22 sub vendors; correct?  23 A. I can't speak to -- I believe so, but I can't  24 speak to -- I don't manage that part of the business.</p>
<p style="text-align: right;">Page 15</p> <p>1 The consumer profile can change pretty  2 dramatically, so a consumer who's insured, uninsured, a  3 consumer who has a DUI, a consumer who has multiple  4 vehicles can change.  5 Again, the kind of targeting that carriers are  6 looking for. So we verify some of that in the call  7 center to make sure that we're matching to the right  8 carrier prior to the transfer. So that's what -- so  9 that's what can shift the value of that specific  10 consumer information to a carrier.  11 Q. Right. And do you see in -- do you see in the  12 paragraph where it, in the contract where it says that  13 the contract required QuoteWizard to retain copies of  14 all versions of consent for at least four years from the  15 date that the consent was relied upon to initiate a call  16 or text message?  17 A. Yes.  18 Q. And at the discretion of Drips, QuoteWizard was  19 to provide all copies of, copies of written consent on  20 two business days notice?  21 A. Correct.  22 Q. Did QuoteWizard retain that consent?  23 A. Absolutely.  24 Q. And was there some consent that you had to go out</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. In an e-mail in this case Matthew Weeks  2 wrote that after the acquisition of QuoteWizard by  3 Lending Tree, TCPA compliance had become a major issue.  4 Was that your experience after QuoteWizard was  5 acquired by Lending Tree?  6 A. No. Yeah, just to elaborate, we'd always been  7 following TCPA regulation. We've been under legal  8 counsel guidance for years.  9 Q. And these texts that Drips sent to consumers on  10 behalf of QuoteWizard asked if they were interested in  11 purchasing various types of insurance products; correct?  12 A. Verifying intent to get a policy, yes.  13 Q. And would you agree that QuoteWizard only  14 intended to purchase lead information from third-party  15 lead vendors of individual consumers rather than  16 businesses?  17 A. Absolutely.  18 Q. And so if a business received a text that was by  19 accident; correct?  20 A. Correct. I wouldn't call it an accident, I would  21 say that that's the phone number that the consumer  22 provided for contact. So that would be the number  23 that -- so that's the number they requested we contact  24 them on, that would be the number we dialed them on.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. But you weren't targeting businesses for 2 sales?</p> <p>3 A. No.</p> <p>4 Q. In this case QuoteWizard has produced invoices 5 from Drips for, you know, that QuoteWizard paid, which I 6 totaled at \$2,034,902.76. Does that sound like what, in 7 the ballpark of what Drips was paid by QuoteWizard?</p> <p>8 A. Yeah, I do not know. I did not manage that part 9 of the business. So I do not know. And I wasn't asked 10 to review any sort of Drips invoices.</p> <p>11 Q. You didn't manage payment, you mean?</p> <p>12 A. I didn't review or approve those types of 13 invoices. That was managed by a different team.</p> <p>14 Q. And do you know how many text messages were sent 15 by Drips on behalf of QuoteWizard?</p> <p>16 A. I do not.</p> <p>17 Q. I'm going to mark as -- it should be Exhibit 17, 18 but it won't have a Bates stamp on it. But it's the 19 Drips invoices.</p> <p>20 (Deposition Exhibit No. 17 marked for 21 identification.)</p> <p>22 Q. It's a spreadsheet produced, an Excel 23 spreadsheet.</p> <p>24 A. That's Exhibit 17?</p>	<p style="text-align: right;">Page 20</p> <p>1 and am I correct that those are from third-party 2 vendors?</p> <p>3 A. Correct.</p> <p>4 Q. And the same would be true of documents that are 5 labeled "non on-site," those are third-party lead 6 vendors; correct?</p> <p>7 A. I can't -- I would have to look at those 8 documents to answer that question.</p> <p>9 Q. Okay. But -- so -- that was -- that was 10 Mr. Weeks' understanding and you're not, there would be 11 no reason to call a QuoteWizard website non on-site; 12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. Did QuoteWizard take any independent action to 15 confirm the accuracy of the data that was provided to it 16 by third-party lead vendors?</p> <p>17 A. I can't speak to that. Again, I don't -- I don't 18 manage the relationships with the partners, so I can't 19 speak to what their practices are.</p> <p>20 Q. Sure. What's your job title?</p> <p>21 A. Vice president of call operations.</p> <p>22 Q. And what are your job responsibilities?</p> <p>23 A. Generally run the call center for QuoteWizard our 24 consumer-based call center for QuoteWizard.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. 17, yes. Are you familiar with that document?</p> <p>2 A. It's still pulling up.</p> <p>3 Q. This has -- this has been a struggle all 4 afternoon.</p> <p>5 A. There we go. So what was your question again?</p> <p>6 MR. POLANSKY: Is this a document we 7 produced?</p> <p>8 Q. You're not familiar with this document?</p> <p>9 A. I am not.</p> <p>10 Q. Would it surprise you, again, taking my 11 representation and ability to use Excel to tally up a 12 column, would it surprise you that it was \$2 million 13 that Drips was paid for its texting?</p> <p>14 MR. POLANSKY: Objection.</p> <p>15 A. Yeah, again, I didn't manage the Drips 16 relationships, so I wouldn't be surprised or -- I 17 wouldn't be surprised or not surprised.</p> <p>18 Q. Okay. And in, in QuoteWizard when you produced 19 documents in this case, there, there's a distinction 20 between on-site leads. Those are from web sites owned 21 by QuoteWizard; correct?</p> <p>22 A. Those would be consumers who went through 23 QuoteWizard forms, yes.</p> <p>24 Q. And then on the other hand there's inbound leads,</p>	<p style="text-align: right;">Page 21</p> <p>1 So my team makes the outbound dials and takes the 2 inbound dials from consumers who, again, have consented 3 to contact, and are looking for them to be connected 4 with carriers to provide quotes.</p> <p>5 Q. And are you at all involved on the data side of 6 where the leads are obtained or anything like that?</p> <p>7 A. I am not.</p> <p>8 Q. And you're not familiar with -- like, if I needed 9 to know about headings on lead document files, you would 10 not be the person to ask; correct?</p> <p>11 A. Correct.</p> <p>12 Q. You're lucky.</p> <p>13 What's your understanding of what a Jornaya 14 certificate is?</p> <p>15 A. So if you integrated with Jornaya they put pixels 16 on your forms so they can track the progress of the 17 consumer through a form. And then at the end of the 18 form collect the TCPA consent, essentially, that the 19 consumer is agreeing to.</p> <p>20 Q. Is a TrustedForm Certificate similar, but offered 21 by a competitor company called ActiveProspect?</p> <p>22 A. That's my understanding, yes.</p> <p>23 Q. Do you know anything about why some of the 24 Jornaya certificates in this case have expired?</p>